

804 KAR 4:370. Entertainment destination center license.

RELATES TO: KRS 148.853(2)(b), 241.060(1), 243.030(21), (35), 243.040, 243.050

STATUTORY AUTHORITY: KRS 241.060(1), 243.030(21), (35), 243.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction. KRS 243.030(21) and (35) authorizes the department to issue an entertainment destination center license. This administrative regulation defines the term entertainment destination center and establishes the privileges and responsibilities of an entertainment destination center license.

Section 1. Definition. "Entertainment destination center" or "EDC" means premises:

- (1) That meet the incentive qualifications for an entertainment destination center project as set forth in KRS 148.853(2)(b)1.;
- (2) Located in a wet county or city that has enacted an ordinance that:
 - (a) Determines an entertainment destination center licensed premises would aid economic growth and tourism in the county or city; and
 - (b) Defines the geographic boundaries of the EDC; or
- (3) That contain a minimum of 100,000 square feet of building space, located within one (1) mile of:
 - (a) An existing tourism attraction; or
 - (b) A convention center.

Section 2. Sales by EDC Licensee. An EDC licensee may sell alcoholic beverages by the drink at one (1) or more nonpermanent locations within any common area of the EDC.

Section 3. Sales by Other Licensed Businesses. (1) Each business located within an EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises.

- (2) A licensee within or adjacent to the EDC may sell alcoholic beverages from one (1) or more nonpermanent locations within any common area of the EDC if:
 - (a) The licensee holds a supplemental bar license for each nonpermanent location; and
 - (b) The licensee holds written permission for these sales by the EDC licensee.

Section 4. Drink Consumption in Common Areas and Other Licensed Premises. (1) A licensee located in or adjacent to the EDC may allow patrons to leave its premises with alcoholic beverage drinks and consume those drinks at other licensed premises or any EDC common area if the EDC licensee:

- (a) Possesses the common area by deed, lease, or permit;
 - (b) Provides adequate security for the common area;
 - (c) Ensures that any portion of a public thoroughfare included in a common area is controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic; and
 - (d) Has granted written permission for this conduct.
- (2) The EDC licensee shall prohibit patrons from taking alcoholic beverages outside the physical boundaries of the EDC.
 - (3) If the board suspends or revokes the EDC license, all retail drink sales and consumption in any EDC common area shall be prohibited.

Section 5. Minors in the Common Area. In addition to authorized businesses listed in KRS 244.085(6) and (7), minors shall be permitted in EDC common areas if allowed by the EDC licensee.

Section 6. Additional Storage Location. As permitted by the EDC licensee in a written agreement, a licensee located in the EDC may store alcoholic beverages at an identified storage location in the EDC separate from its licensed premises. (29 Ky.R. 1712, Am. 2289; eff. 3-19-2003; 31 Ky.R. 623; eff. 11-26-2004; TAm eff. 8-9-2007; 35 Ky.R. 1590; 1758; eff. 3-6-2009; 38 Ky.R. 2049; eff. 8-31-2012; TAm eff. 7-15-2014; 41 Ky.R. 2630; 42 Ky.R. 375; 685; eff. 10-2-2015; 43 Ky.R. 1452, 1733; eff. 5-5-2017.)